

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

ROCHELLE DANIEL,

Plaintiff,

v.

Case No. 14-11117

EQUABLE ASCENT FINANCIAL, LLC, and
VELOCITY PORTFOLIO GROUP,

Defendants.

OPINION AND ORDER DENYING PLAINTIFF'S MOTION FOR RECONSIDERATION

Pending before the court is a Motion for Reconsideration, filed by Plaintiff Rochelle Daniel on November 3, 2014 (Dkt. # 26). Having reviewed the briefs, the court concludes a hearing is unnecessary. See E.D. Mich. LR 7.1(f)(2). For the reasons stated below, the court will deny the motion.

The Eastern District of Michigan Local Rule 7.1(h)(3) sets forth the standard for a motion for reconsideration. Rule 7.1(h)(3) states that:

Generally, and without restricting the Court's discretion, the Court will not grant motions for rehearing or reconsideration that merely present the same issues ruled upon by the Court, either expressly or by reasonable implication. The movant must not only demonstrate a palpable defect by which the Court and the parties and other persons entitled to be heard on the motion have been misled but also show that correcting the defect will result in a different disposition of the case.

E.D Mich. LR 7.1(h)(3). A 'palpable defect' is 'a defect that is obvious, clear, unmistakable, manifest, or plain.' ” *United States v. Lockett*, 328 F. Supp. 2d 682, 684 (E.D. Mich.2004) (citing *United States v. Cican*, 156 F. Supp. 2d 661, 668 (E.D.

Mich.2001)). A motion for reconsideration is improper when it is simply a restatement of arguments rejected in the court's original decision.

Plaintiff's arguments are essentially a repackaged version of brief opposing Defendant's Motion to Dismiss. Plaintiff does not point to any controlling precedent the court overlooked in issuing its decision, but instead simply reargues the very issues considered and decided in that opinion. Disagreement with a court's reasoning is not a proper basis for a motion for reconsideration. Plaintiff has not shown that the court's Opinion and Order Granting Defendants' Motion to Dismiss (Dkt. # 25) contained a palpable defect. Accordingly,

IT IS ORDERED that Plaintiff's Motion for Reconsideration (Dkt. # 26) is DENIED.

s/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: November 26, 2014

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, November 26, 2014, by electronic and/or ordinary mail.

s/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522